

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 18 2007

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

SAMSON BUGA OKERO,

Petitioner,

vs.

ALBERTO R. GONZALES, Attorney
General, et al.,

Respondents.

No. CIV-07-224-W

ORDER

On June 22, 2007, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Samson Buga Okero be dismissed. Okero was advised of his right to object to the Report and Recommendation, but he did not do so within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Couch's suggested disposition of this matter. Okero, an alien detainee, was removed from the United States and returned to Kenya on April 25, 2007. Because he no longer is in the custody of the United States Immigration and Customs Enforcement ("ICE"), his request for release from ICE custody is moot. E.g., Ferry v. Gonzales, 457 F.3d 1117 (10th Cir. 2006).

Accordingly, the Court


(1) ADOPTS the Report and Recommendation issued on June 22, 2007;

(2) GRANTS the Motion to Dismiss After Removal of Alien filed on May 15, 2007,
by Alberto R. Gonzales, United States Attorney General, Nuria Prendes, Dallas Field Office

Director, Detention and Removal Operations, and John Sourkaris, Director, Post Order Detention Unit; and

(3) DISMISSES as moot the Petition filed in this matter.

ENTERED this 18th day of July, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE